

## Article - Public Safety

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§12-814.2.

(a) Subject to subsection (k) of this section, if, after an inspection or investigation, the Commissioner determines that, within the immediately preceding 6 months, an elevator unit is in violation of the Safety Code or another regulation adopted by the Commissioner under Part II of this subtitle, the Commissioner shall issue a citation to the owner.

(b) Each citation under this section shall:

- (1) be in writing;
- (2) describe, with particularity, the nature of the alleged violation;
- (3) reference the provision of the Safety Code or regulation that is alleged to be in violation; and
- (4) set a reasonable period of time for abatement and correction of the alleged violation.

(c) An owner who is issued a citation shall post the citation or a copy of the citation conspicuously at or near the elevator unit alleged to be in violation.

(d) Within a reasonable time after issuance of a citation, the Commissioner shall send by certified mail to the owner:

- (1) notice of the violation with a copy of the citation and proposed penalty; and
- (2) notice of the opportunity to request a hearing.

(e) Within 15 days after an owner receives a notice under subsection (d) of this section, the owner may submit a written request for a hearing on the citation and proposed penalty.

(f) If a hearing is not requested within 15 days, the citation, including any penalties, shall become a final order of the Commissioner.

(g) If the owner requests a hearing, the Commissioner may delegate to the Office of Administrative Hearings the authority to hold a hearing and issue proposed

findings of fact, conclusions of law, and an order in accordance with Title 10, Subtitle 2 of the State Government Article.

(h) A decision of an administrative law judge issued in accordance with Title 10, Subtitle 2 of the State Government Article shall become a final order of the Commissioner unless, within 15 days after the issuance of the proposed decision:

(1) the Commissioner orders a review of the proposed decision; or

(2) an owner submits to the Commissioner a written request for a review of the proposed decision.

(i) After review of the proposed order under subsection (h) of this section, whether or not a hearing on the record is held, the Commissioner shall issue an order that, on the basis of findings of fact and conclusions of law, affirms, modifies, or vacates the proposed decision.

(j) An order of the Commissioner under subsection (i) of this section is the final administrative order.

(k) The Commissioner may establish, by regulation, procedures for the issuance of a warning notice instead of a citation for a de minimus violation that has no direct or immediate relationship to health or safety.

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